

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 441 - HB 1882

March 24, 2011

SUMMARY OF BILL: Broadens the Class E felony offense of aggravated criminal littering to include a second conviction in any amount exceeding 10 pounds in weight or 15 cubic feet in volume in areas designated as no dumping zones.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$28,100/Incarceration*

Assumptions:

- Under current law, aggravated littering is littering in an amount exceeding 10 pounds in weight or 15 cubic feet in volume or in any amount for any commercial purpose. A violation is a Class A misdemeanor except in the following circumstances which is a Class E felony: upon the third conviction in any amount exceeding 10 pounds in weight or 15 cubic feet in volume or upon the second conviction in any amount exceeding 1,000 pounds in weight or 200 cubic feet in volume or in any amount for commercial purpose.
- According to the Administrative Office of the Courts, there have been six state court convictions for the Class A misdemeanor of aggravated criminal littering since 2007. State court convictions are 10 percent of the total convictions. Total convictions, including general sessions courts, are estimated to be an average of 60 per year. The Department of Correction (DOC) assumes one percent (0.6) would be second-time offenders and would be convicted of a Class E felony resulting in one additional offender each year.
- According to DOC, the average operating cost per offender per day for calendar year 2011 is \$60.62. The average post-conviction time served for a Class E felony is 1.27 years (463.87 days) at a cost of \$28,119.80 (\$60.62 x 463.87 days).
- According to the District Attorneys General Conference, there will not be a significant impact on the caseloads. Any additional costs can be accommodated within existing resources without an increased appropriation or a reduced reversion.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc